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TOWN WARRANT
Special Town Meeting
November 1, 1999

Hampshire, ss.

To one of the Constables of the Town of Amherst, in said county, Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the registered voters of the Town of Amherst of the **Special Town Meeting** to be held in the Auditorium of the Amherst Pelham Regional Middle School in said Amherst at seven-thirty o'clock p.m. on **Monday, the first day of November**, nineteen hundred and ninety-nine, when the following articles will be acted upon by town meeting members:

ARTICLE 1. Reports of Boards and Committees (Select Board)

To see if the Town will hear only those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

ARTICLE 2. Transfer of Funds - Unpaid Bills (Select Board)

To see if the Town will, in accordance with Chapter 44, Section 64, appropriate and transfer a sum of money to pay unpaid bills of previous years.

ARTICLE 3. Special Services – Human Services – Men’s Resource Center (Select Board)

To see if the Town will amend the action taken under Article 15 of the 1999 Annual Town Meeting by adding the Men’s Resource Center to the list of human services agencies.

ARTICLE 4. FY 2000 Budget Amendment - Debt Service (Finance Committee)

To see if the Town will amend the FY 2000 Budget for debt service by:

- a. raising and appropriating \$25,269 for parking garage debt and
- b. raising and appropriating \$146,352 for mapping and computer debt.

ARTICLE 5. Free Cash (Select Board)

To see if the Town will appropriate and transfer a sum of money from Free Cash in the Undesignated Fund Balance of the General Fund to reduce the tax levy of the 2000 Fiscal Year.

ARTICLE 6. Land Acquisition – Easements for Parking Garage (Select Board)

To see if the Town will authorize the Select Board to acquire by purchase, gift, eminent domain or otherwise the following easements for the installation of a sewer line and to provide temporary access for construction of the Boltwood Walk parking garage:

- a) a permanent 15' wide sewer easement and a temporary 25' wide construction easement over the east edge of Map 14A, Parcel 46 of the Town Cadastre (land of Mauro and Claire Aniello);
- b) a permanent 15' wide sewer easement and a temporary 25' wide construction easement over the east edge of Map 14A, Parcel 48 of the Town Cadastre (land of Margaret Corsiglia); and
- c) a permanent 15' wide sewer easement and a temporary 25' wide construction easement over the east edge of Map 14A, Parcel 49 of the Town Cadastre (land of the Knights of Columbus Home Association).

ARTICLE 7. Capital Program - Town Hall Roof (Joint Capital Planning Committee and Select Board)

To see if the Town will raise and appropriate \$250,000 to repair the Town Hall roof.

ARTICLE 8. Capital Program - Schools – Crocker Farm Building Project (Joint Capital Planning Committee and School Committee)

To see if the Town will raise and appropriate \$131,902 for the design development phase of renovations and expansion to the Crocker Farm School.

ARTICLE 9. Capital Program – Ambulance (Joint Capital Planning Committee and Select Board)

To see if the Town will appropriate \$35,000 to be added to the amount appropriated in Article 18 of the 1999 Annual Town Meeting for purchase of an ambulance and to meet such appropriation transfer \$35,000 from Ambulance Receipts Reserved for Appropriation.

ARTICLE 10. Capital Program - Cherry Hill (Joint Capital Planning Committee and Cherry Hill Advisory Committee)

To see if the Town will:

- a) appropriate \$186,000 for expanding the irrigation system at the Cherry Hill Golf Course and to meet such appropriation, authorize the Treasurer to borrow \$186,000 in accordance with Chapter 44, Section 7, Clause 25 or other applicable law, and further authorize the Treasurer to borrow in anticipation of such bond issue; and
- b) appropriate \$100,000 to construct a new clubhouse at the Cherry Hill Golf Course and to meet such appropriation, authorize the Treasurer to borrow \$100,000 in accordance with Chapter 44, Section 7, Clause 3 or other applicable law, and further authorize the Treasurer to borrow in anticipation of such bond issue.

ARTICLE 11. Stabilization Fund (Select Board)

To see if the Town will appropriate and transfer a sum of money to the Stabilization Fund for FY 2000.

ARTICLE 12. Extended Bus Service (Public Transportation Committee)

To see if the Town will support improved bus service on the North Amherst/Belchertown Road and the South Amherst/Sunderland routes during summer and intersession and request that the Public Transportation Committee plan for such improvements to commence in summer 2000 (FY 2001).

ARTICLE 13. Zoning Bylaw – Commercial/Residential Uses (Planning Board)

To see if the Town will amend the Standards and Conditions of Section 3.325 of the Zoning Bylaw by adding the language in *bold italics*, as follows:

- 3.325 Building containing dwelling units in combination with stores or other permitted business or commercial uses.

Standards and Conditions

A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the Permit Granting Authority, shall be included as an integral part of the application made under this section. *In those Limited Business (B-L) Districts not abutting the B-G District, and in the Commercial (COM) District, a Special Permit from the permit authority authorized to act under this section of the bylaw shall be required wherever proposed residential uses above the first floor exceed: 1) a total GFA greater than the area devoted to commercial uses, or 2) a total GFA greater than six thousand (6000) square feet, or 3) six (6) dwelling units. The proposed use shall meet the criteria of Section 10.38 or Section 11.24, as applicable, with respect to the site and potential conflicts between the residential and commercial use(s).*

In the Commercial (COM) District there shall be no dwelling units, nor portions thereof other than entries thereto as required, on the first floor. No more than ten percent (10%) of the gross floor area on the first floor shall be associated with or incidental to, whether for storage or other purposes, the residential uses on upper floors.

ARTICLE 14. Zoning Bylaw – Front Setbacks (Planning Board)

To see if the Town will amend Section 6.14 and Table 3, Dimensional Regulations, of the Zoning Bylaw as follows:

- A. Amend Section 6.14, Minimum Setbacks, by adding the language in bold italics, as follows:

6.14 Minimum *Front* Setback

6.140 The minimum *front* setback shall be determined by a line parallel to the street right-of-way line extending from one side lot line to the other. No part of any building, except uncovered steps, and no accessory structure (other than a sign) having a height of more than four (**4**) feet shall be placed within or protrude into the area between the setback line and the street line. In the case of corner lots, the setback line shall be observed for all bordering streets.

6.141 In the General Business (B-G) District, the 20 foot minimum *front* setback applies only to a part of a building which is within 200 feet of the side boundary of a Residence District abutting on the same street within the same block; otherwise, no setback is required.

- B. Amend Table 3, Dimensional Regulations, by deleting the ~~lined-out~~ language, adding the language in *bold italics*, and reorganizing the table and its footnotes as follows:

TABLE 3 - DIMENSIONAL REGULATIONS¹

Zoning District	R-LD	R-O ^j	R-N ⁱ	R-VC	R-G	R-F	B-G COM	B-L	B-VC	OP	LI	PRP	FPC	ED
Basic Minimum Lot Area (sq. ft.) ^h	80,000	30,000	20,000	15,000	12,000 ^m	40,000	12,000 ^b	20,000 ^b	15,000 ^b	40,000 ^a		30,000 ^a	80,000	see Sec. 3.213
Additional Lot Area/Family (sq. ft.)	10,000	10,000	6,000	4,000	2,500 ^{am}		2,500 ^a	4,000	4,000					“
Basic Minimum Lot Frontage (ft.)	200	150	120	120	100	150	100 ^b	125 ^b	100 ^b	100 ^a		100 ^a	200	“
Basic Minimum Front Setback (ft.) ^a	40 30	40 25	30 20	25 15	25 15	40 25	20 ^c	20	20 ^a 10^a	40 30	20	30 20	40	“
Basic Minimum Side and Rear Yards (ft.) ^g	20	25	15 ^d	15 ^d	10 ^d	20	e	25 ^a	25 ^a	f	e	f	20	“
Maximum Building Coverage (%)	10	15	20	25	25	20	70 ^a	35	35	20	25	25	10	“
Maximum Lot Coverage (%)	15	25	30	40	40	45	95 ^a	70/85 ^j	70	70	65	70	15	“
Maximum Floors ^a	2 ½	2 ½	3	3	3	3	4	3	3	2 ½	3	3	1	“
Maximum Height (ft.) ^{an}	35	35	35	35	40	40	50	35	35	35	50	35	20	“
Cluster Minimum Lot Area (sq. ft.)	25,000	15,000	10,000	7,500	6,000									“
Cluster Lot Frontage (ft.) ^k	100	100	80	60	50									“
Cluster Minimum Front Setback^k	20	20	15	10	10									“
Cluster Minimum Side and Rear Yards (ft.) ^k	15	15	15	10	10									“

TABLE 3 – DIMENSIONAL REGULATIONS

FOOTNOTES

- Requirement may be modified under a Special Permit, issued by the ~~Zoning Board of Appeals~~ **Special Permit Granting Authority authorized to act under the applicable section of this bylaw. In applying the criteria established in Section 10.395, the Special Permit Granting Authority shall consider the proposed modified front setback in the context of the pattern(s) of front setbacks established by existing residential buildings in the surrounding neighborhood.**
- Applies to Residence Uses only (Section 3.32).
- Applies to any part of a building which is within 200 feet of the side boundary of a Residence District abutting on the same street within the same block; otherwise, no front setback is required.
- A side yard need not be provided on one side of a single family dwelling if it shares a party wall or double wall with a single family dwelling on the next lot built at the same time.
- Rear and side yards shall be at least 20 feet when **the affected property is** adjoining a Residence District. Otherwise, rear and side yards are not required, but if provided, shall be at least 10 feet.
- Rear and side yards shall be at least 50 feet when **the affected property is** adjoining a Residence District. Otherwise, rear and side yards shall be at least 10 feet.
- See Section 6.15 for interpretation.
- A buildable lot shall contain either 90% of its total lot area, or 20,000 square feet, in contiguous upland acreage.
- Substitute ~~with~~ **the** dimensional requirements in Section 4.332 for 10% affordable projects within cluster subdivisions only.
- 85% in **any** B-L ~~zone~~ **District** adjacent to **the** B-G **District**, and along University Drive; 70% in **any** other B-L **District** and in **the** COM **District**.

- k. Requirements may be modified under a ~~s~~**Special p**Permit granted for a cluster subdivision.
- l. The ~~above~~ dimensional regulations ***shown in Table 3*** shall apply to all educational and religious uses located in the zoning districts listed ~~above~~, except as provided for in Section 6.5.
- m. For new town houses (Section 3.322) and apartments (Section 3.323), these areas shall apply in addition to the areas required by this table for any existing dwelling units on the lot. In addition, the density for new town houses and apartments shall not exceed one dwelling unit per 6,000 sq. ft. of the remaining lot area, or the entire area in the case where there are no existing dwelling units.

n. See Section 6.19 for interpretation.

ARTICLE 15. Zoning Bylaw – Hotel/Conference Center in PRP Zone (Economic Development and Industrial Corporation and Planning Board)

To see if the Town will amend Section 3.327.0, Hotel or Motel, of the Zoning Bylaw, by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

- A.. In the Professional Research Park (PRP) District column, change “N” (not allowed) to “SP” (allowed by Special Permit).
- B. Amend the Standards and Conditions section as follows:

The building shall be connected with the public sewer system prior to occupancy. ~~Its lot, if in a residence district, shall fall within one of the following areas: areas close to heavily travelled streets; areas close to business, commercial or educational districts; areas already developed for multifamily use.~~

The Zoning Board of Appeals may allow a restaurant as a second Principal use, along with hotel/motel related retail and consumer services as accessory uses, under a Special Permit for a hotel or motel.

Within the PRP District, the following criteria shall apply:

- 1. Hotel/motel uses shall only be located within a PRP district having a minimum total land area of 100 acres.***
- 2. The total area of all properties in a PRP district on which hotel/motel uses are located shall not exceed seven percent (7%) of the total land area of all properties in the said district.***
- 3. A hotel/motel shall provide a minimum of 100 rooms for lodging.***
- 4. A hotel/motel building shall have no fewer than two (2) floors above grade.***
- 5. A hotel/motel shall include accessory conference facilities such as multi-purpose meeting and banquet rooms, and may also include restaurants and ancillary retail and service uses. Conference facilities and ancillary retail and service uses, exclusive of circulation areas, shall have a total area of not less than 10,000 square feet.***
- 6. Retail and service uses shall be accessory to the hotel/motel use, and shall have no direct public access from the exterior of the hotel/motel building. Restaurants allowed as accessory or second principal uses may have a second direct public access from the exterior of the hotel/motel building.***

A management plan, as defined in terms of form and content by the Rules and Regulations adopted by the Zoning Board of Appeals, shall be part of any application made under this section, ***and compliance with the management plan as approved by the Zoning Board of Appeals shall be a condition of the Special Permit.***

ARTICLE 16. Town Bylaw – Human Rights Bylaw (Civil Rights Review Commission)

To see if the Town will rescind the Civil Rights Review Bylaw and adopt the following Human Rights Bylaw:

1. The Town of Amherst hereby adopts a “Human Rights Policy” pursuant to which it shall be the policy of the Town that no person, public or private, shall be denied any rights guaranteed pursuant to local, state, and/or federal law on the basis of race or color, gender, physical or mental ability, religion, socio-economic status, ethnic or national origin, affectional or sexual preference, lifestyle, or age.
2. There shall be a Human Rights Commission (“the Commission”) of seven Amherst residents broadly representative of the community, appointed to three-year terms by the Select Board. No member shall be an employee or an elected or appointed official of the town or schools, Town Meeting members excepted. Four members shall constitute a quorum.
3. There shall be a Human Rights Director (“the Director”) appointed pursuant to the Town Manager Act.

4.
 - a) The Commission shall advise the town, provide education and mediation to the community, and review all matters brought to its attention by the Director.
 - b) The Commission, in conjunction with the Director, shall act to promote full implementation of the Town's "Human Rights Policy," as set forth in this bylaw, for any and all persons coming within the town of Amherst.
 - c) The Commission shall advise and assist the Town Manager and Director in the achievement of affirmative action/equal opportunity objectives.
 - d) The Commission shall be given an adequate and reasonable annual training budget to conduct workshops and other related business.
5.
 - a) The Director shall enforce and carry out the "Human Rights Policy" adopted in this bylaw to its fullest extent.
 - b) The Director shall, upon receiving a written complaint from any person or regarding matters pursuant to this bylaw otherwise brought to his/her attention, investigate promptly the circumstances of any situation within the town allegedly denying or threatening to deny in whole or in part to any person within the town, because of race or color, gender, physical or mental ability, religion, socio-economic status, ethnic or national origin, affectional or sexual preference, lifestyle, or age any right to which a person is entitled by law. The Director shall act as he/she deems appropriate to ascertain the facts concerning such alleged denial of rights in accordance with the procedures to be adopted pursuant to section 5 c) of this bylaw. The Director shall coordinate efforts with law enforcement in the investigation, prosecution and prevention of hate crimes.
 - c) The Director shall, in writing, establish procedures by which such investigations shall be conducted. In establishing such procedures the Director shall consider the privacy and other rights of the complainant, respondent, and witnesses in light of the Public Record Law, Massachusetts General Laws, Chapter 4, Section 7, Clause 26, and Chapter 66, Section 10, the right against self-incrimination, and the right to due process of law. Any such procedures shall be approved by the Town Manager prior to their implementation.
 - d) The Director shall, thereafter, make such efforts (including conciliation conferences) as he/she deems reasonable and appropriate to resolve, by voluntary action on the part of those persons involved, the situation giving rise to the investigation.
 - e) If such voluntary action is not forthcoming or is deemed by the Director to be inadequate, the Director shall, after notice to all persons involved, report the matter to the Town Manager, the Select Board, local or state police on any matter within their jurisdiction, respectively, the Massachusetts Commission Against Discrimination, the Office of the Attorney General, the United States Department of Justice, or any other governmental agency having jurisdiction of the matter in question.
6. The Commission shall be given a bi-annual report, in person or in writing, by the Director in conjunction with the Town Manager, on "The State of Human Rights in Amherst."
7. The Commission, in conjunction with the Director, shall annually prepare and submit a Town Report with such recommendations as it deems appropriate concerning matters within its charge. The Commission shall furthermore, as part of its review function, submit reports and recommendations to the Select Board and/or Town Meeting and/or civil rights agencies outside of Amherst as it deems necessary. Said reports shall take reasonable precautions to protect the privacy interests of all parties involved.

ARTICLE 17. Special Act – Domestic Partner Benefits (Select Board)

To see if the Town will authorize the Select Board to petition the General Court for a Special Act permitting the Town of Amherst to provide health and employee fringe benefits, including group insurance benefits under M.G.L. c. 32B, to registered domestic partners of town employees and to children and dependents of registered domestic partners, notwithstanding any provision of general law to the contrary. "Domestic partners" shall include all persons who have formed a domestic partnership with an employee of the Town of Amherst eligible for such benefits under town policy, collective bargaining agreement, or state or federal law. A "domestic partnership" shall be the entity formed by two persons who meet the criteria to be promulgated by the Town and who file a joint statement proclaiming their domestic partnership. The Town shall by bylaw or by policy recommended by the Personnel Board and approved by the Select Board, provide criteria for establishing the existence of a domestic partnership and to effectuate the intent and purpose of the Special Act.

ARTICLE 18. FY 2000 Budget Amendment - Health Insurance (Select Board and Finance Committee)

To see if the Town will amend the FY 2000 Budget by increasing the appropriation and the amount to be raised by taxation for General Government by \$16,000 for individual health insurance policies for domestic partners of Town employees.

ARTICLE 19. Petition – Resolution - Domestic Partner Benefits (M. Parrot)

“Whereas Town Meeting supports and encourages families of all types;

and Whereas a national organization is targeting municipalities nationwide in an attempt to impose its religious belief against homosexuality into municipal policy;

and Whereas the Town of Amherst has extended employee benefits, including health insurance, to domestic partners, regardless of gender/marital status;

and Whereas the First Amendment of the Constitution of the United States prohibits the establishment of a state religion;

Be it resolved that Town Meeting urges the Select Board/Town Manager and School Committee/Regional School Committee/Superintendent to continue granting domestic partnership benefits to municipal and school employees and to use whatever legal resources are necessary and reasonable to defend that policy.

Be it further resolved that the Town Manager forward a copy of this article to State Senator Stanley Rosenberg and State Representative Ellen Story.”

ARTICLE 20. Petition – Health Care (I. BenEzra)

“Part A

1. On January 1, 2000, when Kaiser Health Plan leaves, sixty three hundred elderly and disabled Kaiser Medicare subscribers in Western Massachusetts will have their HMO benefits terminated.
2. The Amherst Council on Aging, a member of the Massachusetts Coalition to Defend Health Care Benefits, asks Amherst Town Meeting to endorse our efforts to find a solution for this great loss of health care coverage. We also applaud the interventions by Senator Stanley Rosenberg and Rep. Ellen Story to find a solution to this health care crisis.

Part B

Today’s local health care emergency is symptomatic of a national health care crisis; we believe it is time for a universal health care system.

We call on Town Meeting to urge Senators Kennedy and Kerry and our Western Massachusetts State Legislators to put **health care for all** on the legislative agenda for 2000. Let us welcome the 21st century by insuring that all Americans will have access to affordable, comprehensive, quality health care.”

ARTICLE 21. Petition – Resolution - Military Use of Depleted Uranium (M. Espada)

“To see if the Town will vote to adopt the following: Resolution on the Military Use of Depleted Uranium and the Testing and Firing by the United States Military of Depleted Uranium and Other Weapons on the Inhabited Puerto Rican Island Municipality of Vieques.

WHEREAS, depleted Uranium (DU) is a pyrophoric byproduct of the nuclear weapons process, which is and will remain radioactive, is being provided free to U.S. weapons manufacturers, and has been fashioned into bullets, shells, bombs, and armor for military vehicles all of which were used on a large scale for the first time by the United States and Great Britain during the Gulf War; and,

WHEREAS, radioactive particulate matter produced by the fragmenting or burning of DU weapons can be inhaled and directly ingested, and DU weapons and armored vehicles are produced, tested, and sold to other countries by U.S. corporations and used by the United States military despite the fact that there is no safe minimum level of exposure to ionizing radiation; and,”

WHEREAS, the United States Navy has since 1941 occupied and used for target practice and military maneuvers two-thirds to three-quarters of the 51 square mile/33,000 acre Puerto Rican island municipality of Vieques, which is inhabited by over 9,000 persons and has nesting sites for various endangered species protected under United States law; and,

WHEREAS, the United States Navy has fired DU weapons at and dropped DU bombs on targets on the island municipality of Vieques, tested napalm on Vieques, produced by its use of the eastern end of Vieques as a bombing and firing range “a region with more craters per kilometer than the moon,” severely damaged Vieques’ fishing industry by the destruction of mangroves, lagoons, beaches, and coral reefs, and created over the civilian areas of Vieques levels of airborne explosive byproducts that violate federal clean air standards and contaminate civilian water supplies; and,

WHEREAS, in April of this year a civilian military employee who was a Vieques resident was killed and four other workers were injured by misdirected military bombs, 72% of Vieques families have incomes below the local poverty standard, Vieques residents have a cancer rate 30% higher than other residents of Puerto Rico,

and the Navy has failed to live up to a 1983 agreement to facilitate economic development in Vieques, which has an unemployment rate of over 40%; and,

WHEREAS, the residents of Puerto Rico had United States citizenship imposed upon them in 1917, but have yet to be provided with voting representation in Congress; and,

WHEREAS, Puerto Rican residents including university students, representatives of the Puerto Rican Federation of Teachers, members of the clergy, and local fishing industry workers have continuously and nonviolently since April of this year occupied parts of the United States Navy’s weapons testing areas on the island municipality of Vieques;

NOW, THEREFORE, BE IT RESOLVED that the Amherst Representative Town Meeting:

1. calls upon the Clinton Administration and our representatives in Congress to sponsor and support treaties and legislation providing for a immediate and unconditional ban on the use of depleted uranium for military purposes, which shall include prohibitions against any research, manufacture, testing, transportation, possession, sale or use of DU for any military purpose except to facilitate the dismantling and safe disposal of existing DU weapons and supplies;
2. calls upon the Clinton Administration and our representatives in Congress to sponsor and support legislation: a) requiring the immediate isolation and containment of all DU weapons, supplies and waste, and reclassification of DU as a radioactive and hazardous substance, b) funding the prompt cleanup of sites contaminated by any United States depleted uranium weapons, and c) providing long-term medical coverage to persons who have or may become ill from the use, testing or handling of DU weapons or components;
3. calls upon the Clinton Administration and our representatives in Congress to sponsor and support legislation: a) ending the United States military presence and exercises on the Puerto Rican island municipality of Vieques and its coastal areas, b) funding the prompt removal of expended and unexpended ordinance and targets, and the decontamination and restoration of the land and offshore areas of Vieques damaged by past military use and weapons testing under the supervision of a joint civilian/military/scientific panel; c) returning after ordinance/target removal and decontamination is completed all Vieques land presently under the control of United States military forces to Vieques’ elected civilian authorities; and d) establishing a damages reparations/economic development fund to be used to benefit the people of Vieques;

AND, FURTHER, BE IT RESOLVED that the Amherst Town Clerk be directed forthwith upon the dissolution of the town meeting to send a certified copy of this resolution to President William Jefferson Clinton; Senator Edward M. Kennedy; Senator John F. Kerry; Representative John W. Olver; William Cohen, Secretary of Defense; Richard Danzig, Secretary of the Navy; Pedro Rosselló, Governor of Puerto Rico; and Manuela Santiago, Mayor of Vieques, Puerto Rico.”

You are hereby directed to serve this call by posting attested copies thereof at the usual places:

Prec. 1	North Amherst Post Office	Prec. 6	Fort River School
Prec. 2	North Fire Station	Prec. 7	Crocker Farm School
Prec. 3	Marks Meadow School	Prec. 8	Munson Memorial Library
Prec. 4	Amherst Post Office	Prec. 9	Wildwood School
Prec. 5	Town Hall	Prec. 10	Campus Center, UMass

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said meeting.

Given under our hands this twelfth day of October, 1999.

Bryan C. Harvey
Hill Boss
Eva Schiffer
Dolly G. Jolly
Carl W. Seppala
Board of Selectmen

October 14, 1999
Date

In obedience to the within warrant, I have this day as directed posted true and attested copies thereof at the above designated places, to wit:

Sgt. Scott P. Livingstone #29
Constable, Town of Amherst